

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

04 MAR -5 PM 1: 53

LINDA GARVEY,

Plaintiff,

v.

COMMUNITY SERVICES OF CALHOUN
& CLEBURNE COUNTIES,

Defendant.

CIVIL ACTION NO.
03-AR-0775-S

U.S. DISTRICT COURT
N.D. OF ALABAMA

ENTERED

MAR 05 2004

MEMORANDUM OPINION

Before the court is the motion for summary judgment (Doc. #20) and evidentiary submissions (Doc. #21) filed by defendant, Community Services of Calhoun & Cleburne Counties ("defendant"). Defendant asserts that pursuant to the Alabama Unincorporated Nonprofit Association Act it no longer exists as an entity subject to suit. Plaintiff, Linda Garvey ("Garvey"), requested 45 days of discovery on this issue and an additional 14 days to file a responsive brief. The court granted Garvey's motion on December 29, 2003. If Garvey had desired to respond to defendant's Rule 56 motion, she had to do so by February 26, 2004. There being no response, defendants' motion automatically came under submission.

The dispositive fact that pursuant to the Alabama Unincorporated Nonprofit Association Act defendant no longer exists as an entity subject to suit is undisputed. The court, therefore, necessarily finds that defendant is entitled to judgment as a

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matter of law. Accordingly, defendant's motion for summary judgment will be granted by separate order.

DONE this 5th day of March, 2004.



WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE